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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,

Magistrate Docket No.

Plaintiff,

08 MJ 0364

v.

COMPLAINT FOR VIOLATION OF:

Jersain ROCHA-Santana,


Title 8, U.S.C., Section 1326  
Deported Alien Found in the  
United States

Defendant


The undersigned complainant, being duly sworn, states:

On or about **February 7, 2008** within the Southern District of California, defendant, **Jersain ROCHA-Santana**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
\_\_\_\_\_  
SIGNATURE OF COMPLAINANT  
James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **8TH DAY OF FEBRUARY 2008.**

  
\_\_\_\_\_  
Ruben B. Brooks  
UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:**  
**Jersain ROCHA-Santana**

**PROBABLE CAUSE STATEMENT**

On February 7, 2008, at approximately 9:00 a.m., United States Border Patrol Agent H. F. Palmer II was performing uniformed duties in an area known as the "39 Bowl." This area is about two miles west of the San Ysidro, California Port of Entry and adjacent to the United States/Mexico International Boundary Fence.

At this time, a scope operator advised Agent Palmer II that two subjects were running north. Upon arrival to the location, Agent Palmer II found two individuals hiding in a bush. Agent Palmer II identified himself as a United States Border Patrol Agent and then performed an immigration inspection. Both subjects, including one later identified as the defendant **Jersain ROCHA-Santana**, admitted to being citizens and nationals of Mexico without any documents that would allow them to enter or remain in the United States legally. Both subjects were arrested and transported to the Imperial Beach Border Patrol station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **January 25, 2008** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.